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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,797	10/29/2001	Arthur L. Cleary	3128.1001-001	9380

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EXAMINER

MANSEN, MICHAEL R

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,797

Applicant(s)

CLEARY ET AL.

Examiner

Michael R Mansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/9/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "29" has been used to designate both "tensioning device 29" and the "dial indicator 29" in Figure 2A.

The drawings are objected to because the "screws 68" on page 8, line 25 are not shown in the figures.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

The disclosure is objected to because of the following informalities: Reference numeral "29" identifies two elements on page 5, lines 22 and 24, "dial indicator 29" and on page 7, line 7, "dynamic tensioning device 29".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 16, lines 10-12 and 4-6, respectively, "to maintain a desired vacuum as an area of the transport belt covered by the substrate varies as the substrate is transported through the printing system" is vague and indefinite. What is varied as the substrate is transported through the printing system? Further, "the printing system" has no antecedent basis. Are applicants claiming the subcombination of the feeding apparatus or the combination of the feeding apparatus and a printing system?

With respect to claim 8, lines 1-2, "wherein the woven polyester is a reinforced polyurethane" is vague and indefinite. Note, "polyurethane" is not a polyester. What type of plastic is being claimed? How does claim 8 further restrict claim 7?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10-11, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yraceburu et al. (U.S. Patent 6,409,332).

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Yraceburu et al. disclose an apparatus and method for transporting a substrate (16) in a printing system including a transport belt (32) with a plurality of holes (321) having a diameter of about 0.1 inch and a spacing of about 1 inch, a vacuum table (307) which generates a vacuum with a vacuum pump motor (303) and a porous sheet (317) positioned between the belt (32) and the vacuum table (307) for restricting fluid flow between the table (307) and the belt (32) so that when a narrow or small sheet of substrate (16) is transported, the flow is restricted due to the porous sheet (317). Wherein Yraceburu et al. disclose that the porous sheet (317) can be made from a number of different materials in Column 6, lines 16-32, including "sintered materials such as of plastic or metals".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yraceburu et al. (U.S. Patent 6,409,332) in view of Bibl et al. (U.S. Patent 4,878,071).

With respect to claims 4-6, Yraceburu et al., as advanced above, do not disclose the specifics of the vacuum pump (303) and specifically does not teach a vacuum sensor and a CPU coupled to the vacuum and a vacuum pump motor to maintain the vacuum level constant. Simple control systems for vacuum pump systems including a

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vacuum sensor and CPU designed to control the motor of the vacuum pump are well known to one of ordinary skill in the art to provide a constant vacuum pressure. It would have been obvious to one of ordinary skill in the art to provide Yraceburu et al. with a simple control system including a vacuum sensor and CPU to control the vacuum pump motor to maintain the vacuum constant in the vacuum table (307) as is well known in the art.

With respect to claims 7-9 and 12-13, Yraceburu et al., as advanced above, do not disclose the material of the transport belt (32) being made from woven polyester or polyurethane having a thickness of about 0.09 inch or stainless steel with a thickness of about 0.008 inch. Vacuum transport belts being made of woven polyester and polyurethane and stainless steel are well known in the art for their durability and long life. It would have been obvious to one of ordinary skill in the art to provide Yraceburu et al. with a vacuum transport belt made of woven polyester or polyurethane or stainless steel and having a thickness of about 0.09 inch and 0.008 inch respectively because of their well known durability and long life.

With respect to claims 14-15, Yraceburu et al., as advanced above, do not disclose the porous sheet (317) being made specifically out of sintered, porous polyethylene having a thickness of about 0.5 inch. Yraceburu et al. do disclose that the porous sheet (317) can be made from a number of different materials in Column 6, lines 16-32, including "sintered materials such as of plastic or metals". Polyethylene is well known for its durability and ease of manufacture. It would have been obvious to one of ordinary skill in the art to provide Yraceburu et al. with a porous sheet made out

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of sintered, porous polyethylene having a thickness of about 0.5 inch because of its durability and ease of manufacture and its ability to act as a filter in accordance with the specification of Yraceburu et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Mansen whose telephone number is (703) 308-2655. The examiner can normally be reached on 9 hour days with Second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Michael R Mansen
Primary Examiner
Art Unit 3654

mrm
April 11, 2003